

REMARKS

Claims 1 to 4 and 7 to 18 are pending in this case. Claims 5 and 6 were cancelled in the previous response.

Final Rejection traversal

Applicants respectfully traverse that this Action should be a Final Office Action based on the requirements for Final Office Action in MPEP 706.07. According to MPEP 706.07, "A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed." (emphasis added). Since the previous amendment to claim 1 was based on cancelled claim 6 (which should have been individually analyzed in the previous Office Action) and since the present rejection (disclosed below) is based on new prior art not previously made of record, this is not a proper Final Office Action and Applicants respectfully request reconsideration that this Action is Final.

The rejection of claims 1 to 18 as being anticipated by U.S. Patent Application No. 2003/0087750 to Stamires (Stamires 2003) is respectfully traversed. In order for prior art to anticipate under § 102b every element of the claim invention must be identically disclosed in a single reference. *Corning Glass Works v. Sumitomo Electric*, 9 U.S.P.Q.2d 1962, 1965 (Fed Cir. 1989). In anticipation, the claim language is applied element by element to the prior art reference. If the claim language reads literally on the reference, the claim is anticipated, if the claim does not literally read, there is no anticipation. *Lewmar Marine, Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1776, 1768 (Fed Cir. 1987).

The Office Action alleges that Stamires 2003 teaches a process of making quasi-crystalline boehmite (QCB). However, this is not correct. Stamires 2003 teaches a process for making anionic clay utilizing peptized boehmite (e.g., see title and first claim), and clearly does not disclose or teach a process for making QCB boehmite.

The present claims recite, in part, a process for producing QCB boehmite, while Stamires 2003 already starts with QCB boehmite and then peptizes it (see examples 1 and 3 where the starting material is QCB boehmite, which is subsequently peptized). This peptized boehmite is then mixed with a divalent metal source (e.g., magnesium) and aged to produce an anionic clay. Thus, the present Office Action is incorrect in stating that Stamires 2003

produces quasi-crystalline boehmite, when its process starts with quasi-crystalline boehmite.

In addition, the aging step in Stamires 2003 involves the combination of boehmite and a divalent (e.g. magnesium) source to produce anionic clay. Accordingly, since Stamires 2003 does not disclose all the limitations of the present claim (e.g., aging an aluminum source to form a quasi-crystalline boehmite), the anticipation rejection should be withdrawn.

No fee is believed due for this response. If any fee is due, please charge the appropriate fee amount to Albemarle Deposit Account No. 01-0659. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (225) 388-7235.

Respectfully submitted:

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